

sale any goods, chattels, wares or merchandise, within this State, without first obtaining a license in the manner herein prescribed; provided that persons carrying on the shad and herring fisheries in this State may sell and dispose of so much salt as may be necessary to cure the fish purchased of them during the months of March, April and May and no longer without license, and that nothing herein contained shall extend to vendors of cakes or to the vendors of beer and cider who are the makers of such beer and cider; but nothing herein shall exempt any vendors of lager beer from the requirement to obtain a license to sell said lager beer.

A baker is manufacturer within the meaning of this section. *State v. Amick*, 171 Md. 536.

Secs. 40-73 referred to in construing Secs. 24, 25, 27 and 28. *Brown v. State*, Daily Record, Dec. 13, 1939.

Secs. 37 to 40 of art. 56 of Code of 1860 were declared unconstitutional in *Ward v. Maryland*, 12 Wall. 418. This section and the following ones are constitutional, embrace non-residents as well as residents, and apply to sales by sample. (See, however, sec. 69.) *Corson v. State*, 57 Md. 263. And see *Ward v. Maryland*, 12 Wall. 418.

Person who cleans and cuts up fish or cuts up carcasses of animals for sale, not manufacturer within meaning of this section; long, uninterrupted and unvarying construction put upon this section by administrative officers in not demanding trader's licenses from stall owners in Baltimore City markets, accepted by court. *Arnreich v. State*, 150 Md. 92.

A person holding a trader's license in one city or county, is not authorized to sell and deliver goods from a wagon in another county. Design of this section. *Salfner v. State*, 84 Md. 302.

For discussion of nature of license tax formerly imposed by sec. 37 of art. 56 of Code of 1860, and of licenses in general, see *Ward v. State*, 31 Md. 284. (Reversed in *Ward v. Maryland*, 12 Wall. 418.)

As to licenses for fishing, see art. 39

As to licenses for tonging, dredging and packing oysters, see art. 72.

As to licenses for hunting, see Art. 99.

See secs. 2, 3 and 4 and notes to sec. 41.

An. Code, 1924, sec. 43. 1912, sec. 39. 1904, sec. 39. 1888, sec. 36. 1858, ch. 414, sec. 2. 1862, ch. 49. 1880, ch. 349. 1929, ch. 36.

**41.** When any person, body politic or corporate shall propose to sell or barter, or dispose of, or offer for sale anything mentioned in the preceding section, except spirituous or fermented liquors, he shall apply to the clerk of the circuit court for the county in which he proposes to carry on such selling or bartering, or disposing of goods, wares, chattels, or merchandise; or if he purposes to carry on such selling or bartering, or disposing of goods, wares, chattels or merchandise in the City of Baltimore, to the clerk of the Court of Common Pleas for a license therefor; and a license to offer for sale issued by said clerk of Court of Common Pleas or by the clerk of the circuit court for any county shall be good and sufficient as a license to offer for sale in every part of the State; provided that such license shall not authorize the holder thereof to open or carry on any store or fixed place of business for such selling or offering for sale in any place other than in the place of business designated in said license and in the application therefor, it being intended hereby that a separate trader's license shall be obtained for each store or fixed place of business; but no license to trade or to sell spirituous or fermented liquors shall be issued by any clerk of a court to a *feme covert*, or to any person under the age of twenty-one years, without the special order of a judge of said court; and no judge shall give such special order to issue such license to sell spirituous or fermented liquors to a *feme covert*, or person under the age of twenty-one years, unless upon the recommendation of at least ten respectable freeholders residents of the ward or district wherein said license would be